



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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April 17, 2019

Via Electronic Mail

Michael Nilsen
Central Valley Regional Water Quality Control Board
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RB5S-NPDES-Comments@waterboards.ca.gov

**RE: Comments on Tentative Waste Discharge Requirements for Grizzly Lake
Community Services District, Delleker Wastewater Treatment Plant**

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements/National Pollutant Discharge Elimination System Order for the Grizzly Lake Community Services District, Delleker Wastewater Treatment Plant, Plumas County (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding the inclusion of daily maximum effluent limits for biochemical oxygen demand (BOD) and total suspended solids (TSS).

Provision IV.A.1.a of the Tentative Order proposes an effluent limitation of 90 mg/L for both BOD and TSS as a daily maximum. Both the federal regulations in 40 C.F.R. section 122.45(d) and California law require that for publicly-owned treatment works (POTWs), effluent limitations must be expressed as monthly averages and weekly averages, unless doing so is “impracticable.” In *California Sportfishing Protection Alliance v. California Regional Water Quality Control Board, Central Valley Region* (Sacramento County Superior Court, Case No. 34-2013-80001358, Oct. 29, 2014) at pp. 22-23, the Sacramento Superior Court directed the Central Valley Regional Water

Quality Control Board (Regional Board) to establish a weekly average effluent limitation where the contested permit contained a monthly average limitation and a daily maximum limitation, because the Regional Board failed to find that it would be impracticable to set a weekly average limitation.

Here, the Tentative Order includes a monthly average, a weekly average, and a daily maximum for BOD and TSS. Accordingly, since the existence of a weekly average limitation demonstrates that generating the limit is practicable, the daily maximum limitation is unnecessary and should be removed.

We appreciate your consideration of these comments. If you have any questions, or if CVCWA can be of further assistance, please contact me at eoofficer@cvcwa.org or (530) 268-1338.

Sincerely,

A handwritten signature in black ink that reads "Debbie Webster". The signature is written in a cursive, flowing style.

Debbie Webster,
Executive Officer